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17 Attorneys for Defendants County of Sonoma (also sued as Sonoma County Sheriff's Department and
18 Sonoma County District Attorney's Office), Stephan Passalacqua, J. Michael Mullins, Greg Jacobs,
19 Christine M. Cook, Russel L. Davidson and James Patrick Casey

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28 Attorneys for Defendant Michael Potts

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ZACHARIAH JUDSON RUTLEDGE,

NO. CV 07-04274 CW

Plaintiff,

JOINT CASE MANAGEMENT CONFERENCE
STATEMENT

v.

[Local Rule 16-1]

COUNTY OF SONOMA, MICHAEL
POTTS, et al.,

Date: September 16, 2008
Time: 2:00 p.m.
Crm: 2

Defendants.

1 The parties in the above entitled action jointly submit this Case Management Statement and
 2 Proposed Order and request the Court to adopt it as its Case Management Order in this case.

3
 4 Jurisdiction and Service: Jurisdiction is proper in the United States District Court, Northern District
 5 of California, pursuant to 28 U.S.C. §1367, as the conduct complained of in the complaint arose in this
 6 district and some of the plaintiff's claims involve federal question (42 USC §§1983, 1988).

7
 8 Facts: The suit arises from the arrest and prosecution of plaintiff Zachariah Rutledge for a double
 9 homicide, for which he was acquitted in September 2006. Plaintiff is alleging that his arrest was
 10 wrongful, in that it was obtained by a warrant which intentionally withheld exculpatory facts, and which
 11 intentionally misstated other facts such that a reasonable magistrate would not have issued the arrest
 12 warrant absent such omissions/misstatements. He also alleges a conspiracy between members of the
 13 Sonoma County District Attorney's Office, the Sonoma County Sheriff's Department, and Criminalist
 14 Michael Potts led to a malicious prosecution of him. Plaintiff alleges that one defendant, Assistant
 15 District Attorney Christine Cook, slandered him in statements made during a radio show after his
 16 acquittal. Plaintiff has sued the elected District Attorney Stephan Passalacqua; former elected District
 17 Attorney J. Michael Mullins; ADA Cook; former Assistant District Attorney Greg Jacobs; Deputy
 18 District Attorney James Patrick Casey; Det. Davidson and the County of Sonoma ("County defendants"),
 19 along with Michael Potts, a former Senior Criminalist with the Department of Justice.

20 Defendants deny the allegations. Defendant Michael Potts has filed a motion to dismiss, which
 21 is being heard concurrently with the Case Management Conference. County defendants have joined in
 22 the motion in part, but have otherwise filed an answer to the Third Amended Complaint.

23
 24 Legal Issues: How, and to what extent, the defendants are shielded from liability by qualified
 25 and/or prosecutorial immunities; whether the 11th Amendment bars the action against the elected
 26 officials; whether some or all of plaintiff's claims are barred by applicable statutes of limitations;
 27 whether plaintiff timely exhausted all administrative remedies (governmental claims); whether state law
 28 immunities bar some or all of plaintiff's state law causes of action.

1 Motions: Pending is a motion to dismiss (in which the County defendants have joined, in part) filed
 2 by defendant Michael Potts. It is set for hearing on the same date as this conference. County defendants
 3 anticipate the filing of a motion for summary judgment at the close of discovery or before.

4
 5 Amendment of Pleadings: The complaint was amended after the Court granted, in part, the motions to
 6 dismiss filed by the defendants to the First Amended Complaint. If the Court grants any part of the
 7 pending motion by Michael Potts, further amendment to the complaint may be required.

8
 9 Evidence Preservation: The undersigned have taken steps and/or are in the process of taking additional
 10 steps, to preserve evidence relevant to the issues reasonably evident in this action, including interdiction
 11 of any document-destruction program and any ongoing erasures of emails, voice mails and other
 12 electronically-recorded materials.

13
 14 Disclosures: The parties will timely comply with the Court's order of July 1, 2008 regarding Rule 26
 15 disclosures.

16
 17 Discovery: No discovery has been taken to date. The **defendants** anticipate the following discovery to
 18 be conducted and request the following discovery limitations:

- 19 a. Depositions: The parties shall be allowed 10 depositions pursuant to the
 20 limitations of Rule 30;
- 21 b. Written interrogatories: The parties agree not to exceed limits of 25
 22 interrogatories pursuant to the limitations of Rule 33.
- 23 c. Document requests: The parties agree not to exceed 25 demands to any other
 24 party.
- 25 d. Requests for admissions: The parties agree not to exceed 25 requests to any other
 26 party.

27 The **plaintiff** is not in agreement with these proposed limitations.

1 Class Actions: This is not a class action.

2
3 Related Cases: There are no known related cases.

4
5 Relief: Plaintiff's damages: Plaintiff seeks monetary relief pursuant to 42 U.S.C. §§ 1983, 1985, 1988
6 and under the California causes of action for violations of civil rights, and conspiracy to violate
7 plaintiff's civil rights, and their related torts. No further damage information is available to date.

8
9 Settlement and ADR: The parties have agreed to the following form of ADR: ENE

10
11 Consent to Magistrate Judge For All Purposes: There has not been consent to proceed before a
12 magistrate judge for all purposes.

13
14 Other References: There are no special references at this time.

15
16 Narrowing of Issues: None.

17
18 Expedited Schedule: This case is not amenable to expedited handling with streamlined procedures, given
19 the number of parties involved and the complexity of the case.

20
21 Scheduling: The parties propose the following:

22
23 Expert designations: August 3, 2009

24 Discovery cutoff: June 1, 2009

25 Hearing on dispositive motions: July 21, 2009

26 Pretrial Conference: September 28, 2009

27 Trial: October 19, 2009

Trial: All parties have demanded jury trial. **Defendants** anticipate a trial length of 12 days. **Plaintiff** anticipates and requests a three-week trial estimate.

Disclosure of Non-party Interested Entities or Persons: No party has filed the "Certification of Interested Entities or Persons" required by Civil Local Rule 3-16. The undersigned hereby certify, by signature below, that they are unaware of any persons, firms, partnerships, corporations (including parent corporations) or other entities known by the undersigned to have either: (1) a financial interest in the subject matter in controversy or in a party to the proceeding; or (ii) any other kind of interest that could be substantially affected by the outcome of the proceeding, other than the parties identified in the pleadings.

Other Matters which may Facilitate: None known.

DATED: September 4, 2008

-----s/Editt Lerman-----

Editt Lerman, Attorney for Plaintiff

DATED: September 4, 2008

SENNEFF FREEMAN & BLUESTONE, LLP

-----s/ Bonnie A. Freeman-----

By _____
Bonnie A. Freeman
Attorneys for Defendants County of Sonoma, Stephan Passalacqua, J. Michael Mullins, Greg Jacobs, Christine M. Cook, Russel L. Davidson and James Patrick Casey

DATED: September 4, 2008

STATE OF CALIFORNIA, DEPT. OF JUSTICE

-----s/John P. Devine-----

By: _____
John P. Devine
Attorneys for Michael Potts